09/197,506

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Richard GIOSCIA et al.

Serial No.: **09/197,506**

Filed: November 23,1998

Art Unit: **2684**

Examiner: C. Chow

For: METHOD AND SYSTEM FOR INTERACTIVE DIGITAL RADIO BROADCASTING AND MUSIC DISTRIBUTION

REQUEST FOR RECONSIDERATION

Commissioner of Patents
Washington, DC   20231

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Technology Center 2600

Sir:

This is in full and timely response to the non-final Office Action mailed on May 23, 2002. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-2, 5-7, 10-17, 19-22, and 24-30 are currently pending in this application, with claims 1, 5, 15, and 22 being independent. No new matter has been added.

Rejection under 35 U.S.C. 103

Claims 1 and 2 were rejected under 35 U.S.C. 103 as allegedly being obvious over U.S. Patent 5,239,540 issued to Rovira et al. (Rovira) in view of U.S. Patent No. 6,212,359 issued to Knox, and in further view of U.S. Patent No. 6,199,076 issued to Logan et al. (Logan).

Claims 5-7, 10-13 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Logan, and in further view of U.S. Patent 5,694,162, issued to Freeny, Jr. (Freeny).

These rejections are respectfully traversed for at least the following reasons.

The claimed invention includes the combination of a data signal carrying contextual information about the audio programming with an audio signal carrying the audio programming, the reception of the combined data and audio signals, the separation of the data and audio signals, the transduction of the audio signal into audible sound, the display of the contextual information of the data signal on a display device of the receiver, and the storage of at least a portion of the contextual information of the data signal onto a removable memory medium.

The Office Action states that the combination of Rovira and Knox fails to disclose, teach or suggest the storage of at least a portion of the contextual information of the data signal onto a removable memory medium. However, the Office Action cites Logan for the features deficient in Rovira.

In response, figure 1 of Logan arguably depicts program data 107, usage data 109, receiver 103 and display 118. Nevertheless, Logan fails to disclose, teach or suggest displaying contextual information of the data signal on a display device 118 and storing at least a portion of the contextual information onto a removable memory medium.

While column 23, line 65 of Logan arguably teaches a removable media cartridge, Logan fails to disclose, teach or suggest the storage of contextual information onto the removable memory medium (column 23, line 34 to column 24 line 8).

Logan also fails to disclose, teach or suggest the display of contextual information along with the storage of the contextual information onto the removable memory medium.

In addition, Logan also fails to disclose, teach or suggest any contextual information that may be displayed on display 108 is also stored onto the removable memory medium.

Thus, Logan also fails to disclose, teach or suggest the display of the contextual information of the data signal on a display device of the receiver, and the storage of at least a portion of the contextual information of the data signal onto a removable memory medium, as claimed.

While Freeny arguably teaches a method for automatically changing broadcast programs based on audience response, Freeny fails to disclose, teach or suggest the above-noted features deficient within Rovira, Knox and Logan.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Claims 14-17, 19-22, 24-30 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Takahisa et al. and in further view of U.S. Patent 5,579,537, issued to Takahisa (Takahisa '537).

This rejection is traversed at least for the reasons above and for the following reasons.

While Takahisa '537 arguably teaches a broadcast system with associated data capabilities, Takahisa '537 fails to disclose, teach or suggest the above-noted features deficient within Rovira, Knox, Logan and Freeny of the display of the contextual information of the data signal on a display device of the receiver, and the storage of at least a portion of the contextual information of the data signal onto a removable memory medium, as

claimed.

In addition, the statement of the rejection includes "in further view Takahisa et al. and in further view of Takahisa (US 5,579,537)." This statement of the rejection lacks clarity since it is unclear if two Takahisa references are intended, or if only one Takahisa reference is intended and a typographical error exists within the statement of the rejection. See M.P.E.P. §707, 8th Edition, August 2001.

If the allowance of the claims is not forthcoming, then a new final Office Action to resolve this lack of clarity within the statement of the rejection is respectfully requested.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could

place this application in even better form, the Examiner is

requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-

955-8753 or the undersigned attorney at the below-listed number.

Respectfully submitted,

DATE: August 23, 2002

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APPENDIX

IN THE CLAIMS

1.   A method of providing listeners with information about audio programming being digitally broadcast comprising:

combining a data signal carrying contextual information about said audio programming with an audio signal carrying said audio programming;

receiving said combined data and audio signals with a receiver;

separating said data and audio signals;

transducing said audio signal into audible sound;

displaying said contextual information of said data signal on a display device of said receiver; and

storing at least a portion of said contextual information of said data signal onto a removable memory medium.

2.   The method of claim 1, further comprising broadcasting said combined data and audio signals as a digital radio signal.

3.   (canceled).

4.   (canceled).

5.   A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

a transceiver for receiving said broadcast signal;

a signal processor for separating said audio and data signals;

an audio output device for outputting said audio signal;

a memory cartridge for storing at least a portion of said contextual information of said data signal, wherein said memory cartridge is a removable memory cartridge.

6.   The receiver of claim 5, further comprising a display device for displaying said contextual information of said data signal.

7.   The receiver of claim 6, further comprising a user input device for controlling said display of said contextual information on said display device.

8.   (canceled).

9.   (canceled).

10. The receiver of claim 5, further comprising a user input device for controlling said storage of contextual information in said memory cartridge and accessing stored contextual information in said memory cartridge.

11. The receiver of claim 5, further comprising a connection between said processor and a service provider over which at least a portion of said contextual information may be transmitted to identify particular audio programming to said service provider.

12. The receiver of claim 11, further comprising a user input device for controlling transmission of contextual information over said connection to said service provider and for generating requests to be transmitted to said service provider to purchase a recording of said particular audio programming.

13. The receiver of claim 11, further comprising a memory device for storing audio programming and contextual information received over said connection from said service provider.

14. The receiver of claim 11, wherein said connection to said service provider is a wireless connection.

15. (amended) A method for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said method comprising:

receiving said broadcast signal with a transceiver;

separating said audio and data signals with a signal processor;

outputting said audio signal; and

storing at least a portion of said contextual information of said data signal in a removable memory cartridge.

16. The method of claim 15, further comprising a displaying said contextual information of said data signal with a display device.

17. The method of claim 16, further comprising controlling said display of said contextual information on said display device with a user input device.

18. (canceled).

19. The method of claim 15, further comprising purchasing a recording of said audio programming by transmitting at least a portion of said contextual information to a service provider to identify said audio programming.

20. The method of claim 19, wherein said transmitting to a service provider is performed by wirelessly transmitting to said service provider.

21. The method of claim 15, further comprising:

transmitting at least a portion of said contextual information to a service provider to identify said audio programming; and

receiving from said service provider additional contextual information for said audio programming.

22. A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

means for receiving said broadcast signal;

means for separating said audio and data signals;

means for outputting said audio signal;

means for displaying said contextual information of said data signal; and

means for storing at least a portion of said contextual information of said data signal, wherein said storing means is removable.

23. (canceled).

24. The receiver of claim 22, further comprising means for controlling said display of said contextual information on said display device.

25. The receiver of claim 22, further comprising means for storing at least a portion of said contextual information of said data signal.

26. The receiver of claim 22, further comprising a means for transmitting at least a portion of said contextual information to a service provider to purchase a recording of said audio programming.

27. The method of claim 1, wherein said step of storing further includes storing said audio programming onto said removable memory medium.

28. The receiver of claim 5, wherein said removable memory cartridge stores said audio programming and said at least said portion of said contextual information of said data signal.

29. The method of claim 15, wherein said step of storing further includes storing said audio programming in said removable memory cartridge.

30. The receiver of claim 22, wherein said storing means stores said audio programming and said at least said portion of said contextual information of said data signal.